

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph Valentino on 7 October 2008.

The application has been amended as follows:

**In the claims:**

- a. Please cancel claim 37.
- b. In claim 47 at line 11, please delete the word "substantially" before the words "the same composition".
- c. In claim 47 at line 12, please insert the phrase --, subject to normal manufacturing variations, -- after the words "the second region".
- d. In claim 69 at line 14, please delete the word "substantially" before the words "the same".
- e. In claim 69 at line 15, please insert the phrase --, subject to normal manufacturing variations, -- after the words "the first region".

2. The following is an examiner's statement of reasons for allowance:

This amendment is considered to overcome the rejections under 35 U.S.C. §112, first paragraph because the new language "the same composition and thickness . . .

subject to normal manufacturing variations" is considered to find inherent support in Applicant's disclosure. Such "normal manufacturing variations" are of course inherent in any manufacturing process. (i.e. any deposited layer will have small variations in thickness and composition across its area) Therefore, it is the Examiner's position that there is inherent support for such language in the disclosure, as the two "regions" claimed are disclosed as comprising the same layers, deposited at the same time, and subsequently separated.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Jeffrey T. Barton whose telephone number is (571)272-1307. The examiner can normally be reached on M-F 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1795

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nam X Nguyen/  
Supervisory Patent Examiner, Art Unit 1753

JTB  
8 October 2008